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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,165	11/07/2001	Paer-Olof Funck	11709.46USWO	8653

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/009,165

Applicant(s)

FUNCK ET AL.

Examiner

Bradley J Van Pelt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/7/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words and includes "Means" line 19. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

3. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program

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listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities: the abstract, line 9 "tine" should be changed to --time--, line 13 "lubricant gum" should be changed to --lubricant gun--; the content of the specification should not refer to claim language see pg. 1, lines 2, 21, and 23.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It

is unclear how the memory as set forth in claim 6, as a control element, defined in the specification as (8) can be a fixed computer, because the control element (8) is movable as shown in the drawings.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the memory data" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the computer memory" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin et al. (USPN 6,123,174).

Elkin et al. disclose a method in the manual lubrication of a lubrication point with a quantity of lubricant individually predetermined for the lubrication point, characterized in that the lubrication point is provided with an individual identification information (column 16, lines

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8-13) on the quantity (column 16, line 15) of lubricant that is to be administered to the lubrication point in each instance of lubrication is stored in a memory (column 16, lines 13-16), in the lubrication of a lubrication point the identification of the point is detected (bar code reader 216 see column 20, lines 30-40) and information on the predetermined quantity of lubricant for the lubrication point identified is retrieved from the memory (column 20 lines 25-29), following which the said quantity of lubricant is administered to the lubrication point, information on the lubrication carried out and the time thereof is stored in the memory (column 26, lines 41-45).

Elkin et al. disclose that on identification of an individual lubrication point the quantity of lubricant is shown that is to be administered (column 25, lines 12-17) to the lubricant point in question and that when the said quantity has been administered this is shown and/or indicated by audible means (column 25, lines 24-27).

Elkin et al. disclose that a list of lubrication points (engines and vehicles) visited during a lubrication round and the quantity of lubricant individually administered to each lubrication point is retrieved from the memory (column 26 lines 42-47).

Elkin et al. inherently disclose in that the time for a subsequent lubrication round information on the quantity of lubrication for the individual lubrication point is calculated from information stored in the memory. Elkin et al. disclose (column 16, lines 11-16) the database tracks which services have been preformed, thus it is calculated either by computer or user when next operation is due.

Elkin et al. fail to show more than one lubrication point.

Elkin et al. fail to show in connection with a planned lubrication round information on the quantities of lubricant for each individual lubrication point stored in the aforementioned memory

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is fed from that memory to a second mobile memory and that after carrying out the lubrication round the said information is transmitted from the second memory to the aforementioned memory.

Pollock (USPN 5,923,572) shows a memory (56) being fed from that memory to a second mobile memory (30 mounted on hose is mobile) and that after carrying out an operation the information is transmitted from the second memory to the aforementioned memory (column 3, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the single lubrication point of Elkin et al. with a plurality of lubrication points since such a modification is mere duplication. Duplication of parts is generally recognized as being within the level of ordinary skill in the art (In re HARZA, 124 USPQ 378 (CCPA 1960)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the memory transmitting device of Elton et al. by adding a second mobile memory, as taught by Pollock, for the purpose of eliminating need for operator input, which reduces the labor cost.

11. Claims 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin et al. (USPN 6,123,174) in view of Pollock (USPN 5,923,572).

Re: claim 6, Elkin et al. disclose a device for manual lubrication of a lubrication point with a quantity of lubricant individually predetermined for each lubrication point, characterized in that the device comprises a combination of: an identification element unique to the lubrication point (bar code, see column 16, line 56) unique to the lubrication point at a lubrication point (engine in Elkin) and a measuring device (78), a reservoir (24) which is connected buy way of a

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pump device (76) and a measuring device (78) with indicating element (96) and a dispensing apparatus (166).

Elkin et al. fail to show more than one lubrication point.

Elkin et al. do not disclose a lubricant gun with a lubricant reservoir which is connected by way of a pump device and the pump device connected to which control element connected to which control element is a memory containing stored data on the lubrication requirement of each individual lubrication point, with which memory the lubricant gun is designed to communicate for transfer to the control element of a lubricant quantity specification for each separate lubrication point and for feeding information stored in the control element on the lubrication carried out at the individual lubrication points, and a lubrication point identification device arranged in connection with the nozzle and designed, when the nozzle is connected to a lubrication point, to automatically identify the lubrication point in question and its lubrication requirement by means of the identification element together with means for storing in the memory data on the quantity of lubricant administered to the lubrication point in question in each lubrication operation.

Elkin et al. fail to show communications equipment composed of radio communications equipment.

Elkin et al. fail to show that the control element comprises memory elements designed to store the said data and information for a time interval between the beginning and end of one operation round and that the memory elements are designed to communicate with the computer memory.



Pollock shows a gun (12) with a reservoir (inherent) which is connected by way of a pump device (45) and a measuring device (44) to a nozzle (end portion of dispenser), a control element (24) connected to the measuring device and the pump device connected to which control element is a memory containing stored data (30) of an individual point, with which memory the gun is designed to communicate for transfer to the control element of a quantity specification (column 4, lines 4-17) for a lubrication point and for feeding information stored in the control element on the operation carried out at the individual point (also column 4, lines 4-17), and a point identification device (21) arranged in connection with the nozzle and designed, when the nozzle is connected to a point, to automatically identify the point in question and its requirement by means of the identification element together with means for storing in the memory data on the quantity administered to the point in question in each operation (column 3, lines 65-67, column 4, lines 1-3).

Re: claim 8, Pollack shows communications equipment composed of radio communications equipment (38, 39, 71, 72).

Re: claim 9, Pollock shows that the control element (24) comprises memory elements (84) designed to store the said data and information for a time interval between the beginning and end of one operation round and that the memory elements are designed to communicate with the computer memory (30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the single lubrication point of Elkin et al. with a plurality of lubrication points since such a modification is mere duplication. Duplication of parts is generally recognized as being within the level of ordinary skill in the art (In re HARZA, 124 USPQ 378 (CCPA 1960)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the dispensing apparatus of Elkin et al. with the gun dispenser, and the control element to communicate with an identification point, as taught by Pollack, for the purpose of eliminating need for operator input, which reduces the labor cost.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communications apparatus of Elkin et al. with the radio communication, as taught by Pollack for the purpose of a wireless transmission, which decreases the overall response time.

It would have been obvious to one of ordinary skill in the art at the time, as taught by Pollack of the invention to modify the apparatus of Elkin et al. to utilize memory storage and communication for the purpose of tracking the quantity dispensed of the lubrication apparatus to accurately calculate total sales, further maximizing profits.

### ***Conclusion***


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For liquid dispensing and automation see the following references: Haller et al. (USPN 3,779,357), Van Ness (USPN 4,263,945), Ryan (USPN 5,204,819), Prendergast (USPN 5,873,731), Graft et al. (USPN 6,125,969).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is (703)305-8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703)308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2168.

BJVP   
January 13, 2003

  
CHONG H. KIM  
PRIMARY EXAMINER